

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, SEPTEMBER 21, 2000
8:15 A.M.**

Commissioners Present: Kathy Campbell, Chair
Larry Hudkins, Vice Chair
Linda Steinman
Bernie Heier
Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer
Dave Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Gwen Thorpe, Deputy County Clerk
Ann Taylor, County Clerk's Office

AGENDA ITEM

**1 APPROVAL OF STAFF MEETING MINUTES OF TUESDAY,
SEPTEMBER 12, 2000 AND THURSDAY, SEPTEMBER 14, 2000**

Campbell asked that the second sentence of Paragraph 3 on Page 4 of the September 12th Staff Meeting minutes be corrected to read as follows:

Campbell stated all reimbursements would have to have the approval of the two County Board members serving on the Joint Public Agency.

MOTION: Workman moved and Hudkins seconded approval of the Staff Meeting minutes of Tuesday, September 12, 2000, with the noted correction, and the Staff Meeting minutes of Thursday, September 14, 2000. Workman, Hudkins, Heier, Steinman and Campbell voted aye. Motion carried.

2 ADDITIONS TO THE AGENDA

- A. Attendance at Meeting on Joint Public Agency Agreement, September 27th at Cline Williams Law Firm
- B. Letter from Jill Rubottom, Region V
- C. County Board Calendar

MOTION: Heier moved and Steinman seconded approval of the additions to the agenda. Heier, Steinman, Hudkins, Workman and Campbell voted aye. Motion carried.

ADDITIONS TO THE AGENDA

- A. Attendance at Meeting on Joint Public Agency Agreement, September 27th at Cline Williams Law Firm

Hudkins, Workman and Eagan indicated that they will attend.

3 ENFORCEMENT OF CITY'S JUNK CAR ORDINANCE IN THE THREE-MILE ZONING DISTRICT - Terry Wagner, Lancaster County Sheriff; Mike Merwick, Building & Safety Director; Mike DeKalb, Planning Department; Rick Peo, Chief Assistant City Attorney

Eagan said an interlocal agreement with the City to provide authority for the County Sheriff to enforce the City's junk car ordinance in the three-mile zoning jurisdiction and for the County Attorney to prosecute violations may be necessary.

In response to a question from Hudkins, Mike Merwick, Building & Safety Director, outlined efforts to prosecute an individual who was alleged to be selling cars illegally and renting out mobile homes from property at 1st and McKelvie Road.

Terry Wagner, Lancaster County Sheriff, expressed concern that the junked car problem may spread to the County as a result of the ordinance. He said it may be difficult to distinguish agricultural use vehicles and indicated that he also anticipates complaints about vehicles that were used to stabilize creek banks.

Steinman said a companion piece may be needed to prevent that from happening. She said the problem is most acute in developed areas and investigations will primarily be complaint oriented.

Campbell said public awareness is crucial and suggested a moratorium period to allow time for compliance.

Rick Peo, Chief Assistant City Attorney, said the City would like the County to adopt a similar ordinance for consistency. He noted that the City did not provide a moratorium on enforcement when it enacted its ordinance, but did provide notice and warning citations.

Wagner said additional deputies may be needed for enforcement.

Campbell suggested hiring of one additional deputy, with a review of staffing at midyear. She also suggested that the effective date of the ordinance be delayed until January 1, 2001.

MOTION: Hudkins moved and Heier seconded to authorize Kerry Eagan, Chief Administrative Officer, to seek a County Attorney's opinion with regards to enforceability of the City's junked car ordinance in the City's three-mile zoning jurisdiction by the County Attorney and County Sheriff. Heier, Hudkins, Steinman, Workman and Campbell voted aye. Motion carried.

MOTION: Steinman moved and Heier seconded to authorize the County Sheriff to begin the process of hiring one additional deputy to address the issue of junked cars. Steinman, Heier, Workman, Hudkins and Campbell voted aye. Motion carried.

The following documents were disseminated:

- O A draft of an ordinance amending Chapter 27.67 of the Lincoln Municipal Code relating to parking by adding a new section numbered 27.67.085 to restrict the storage or parking of unregistered, wrecked, non-operating, junked or partially dismantled vehicles (Exhibit A)
- O A copy of a draft definition of vehicles (Exhibit B)

4 ASSESSOR RECORDS ON THE INTERNET - Norm Agena, County Assessor; Robin Hendricksen, Chief Administrative Deputy Assessor

Campbell said several complaints have been received regarding the placement of real property photographs on the Internet website. She asked whether any of these records are deemed protected.

Norm Agena, County Assessor, said no and referred to a County Attorney's opinion, dated January 22, 1998, that addressed this issue (Exhibit C). He said this information has been a public record, placement of the database on the Internet just made it more accessible.

Agena said his department is required to have a photo of every property in the County. There are approximately 92,000 parcels in the County and photographs have been taken of 65,000 of these, to date. He noted that the incorporation of these photos with the website is anticipated to reduce the number of information requests related to property valuation protests, as property owners will be able to view the comparable properties online.

In response to a question from Hudkins, Dave Fall, Register of Deeds, said images of instruments recorded in Register of Deeds' office are now available on the Internet website.

**5 GREATER ARNOLD HEIGHTS AREA NEIGHBORHOOD PLAN
COMPREHENSIVE PLAN AMENDMENT - Mike DeKalb and Steve
Henrichsen, Planning Department**

Steve Henrichsen, Planning Department, briefly reviewed the Greater Arnold Heights Area Neighborhood Plan and said the only remaining item of contention involves the Lincoln Airport Authority and land use designation on the northeast corner of Northwest 48th and Adams Street.

In response to a question from Campbell, DeKalb said there have been other instances in which an outside consultant was hired to develop a neighborhood plan. He also stated that Urban Development may be able to provide financial assistance to neighborhoods that wish to develop their own plans.

Henrichsen added that City agencies were included in the process.

Hudkins asked whether Northwest 48th Street is shown as a principal arterial, noting it is indicated as a minor arterial in the Long Range Transportation Plan.

Henrichsen said the Greater Arnold Heights Area Neighborhood Plan did not show any change in the classification. He said he would ask Kent Morgan, Assistant Planning Director, to review the matter.

ADDITIONS TO THE AGENDA

B. Letter from Jill Rubottom, Region V (Exhibit D)

Campbell said she did not believe it would be appropriate for the County, as one of the four partners in the Families First & Foremost (F³) Grant, to meet separately with Region V to discuss how child and family mental health services will be provided in the future. She also expressed concern that members of the Region V Governing Board have not actively participated in the Conveners Group.

MOTION: Heier moved and Hudkins seconded to send a letter to Jill Rubottom, Region V, indicating that the County welcomes the opportunity to have the Region V staff and members of the Region V Governing Board meet with all of the partners at the next Conveners Group meeting on October 16th. Heier, Hudkins, Steinman, Workman and Campbell voted aye. Motion carried.

6 REVIEW OF BIDDING PROCEDURES FOR RADCLIFFE ROAD - Vince Mejer, Purchasing Agent; Kathy Smith, Assistant Purchasing Agent; Dave Johnson, Deputy County Attorney; Don Killeen, County Property Manager; Chris Beardslee, Sinclair Hille & Associates Inc.

Eagan explained that the Purchasing Act requires the Purchasing Agent to be involved in all purchases over \$10,000 and in this case involvement of the Purchasing Agent was after the fact. He also stated that bid documents erroneously referred to the owner as the Public Building Commission, with the exception of one document which identified the owner as the County acting through the Public Building Commission.

Vince Mejer, Purchasing Agent, added that the instructions to bidders and the general terms and conditions did not meet County standards and may not sufficiently protect the interests of the County.

Don Killeen, County Property Manager, indicated that the project meets the criteria to be a Public Building Commission project.

Dave Johnson, Deputy County Attorney, explained that the County could enter into an interlocal agreement with the Public Building Commission that would authorize that body to oversee the project being let for bids and completion of the project. He said additional concerns could be addressed through revision of the contract.

Campbell expressed concern that the Public Building Commission would be assuming liability if it participated in an interlocal agreement. She also stated the Public Building Commission and the City Attorney would need time to review the matter.

Eagan said there was no intent to preclude the Purchasing Agent from the bidding process, rather the situation appeared to be the result of a misunderstanding on the part of Olsson Associates. He said Olsson Associates bid the project correctly and followed legal notice requirements. Eagan said he does not believe an interlocal agreement will solve the problem and said the Board needs to decide whether it is comfortable with the bidding process.

Mejer added that it is unlikely that the County would save additional money by rebidding the project and said rebidding would take a minimum of three weeks.

In response to a question from Hudkins, Chris Beardslee, Sinclair Hille & Associates Inc., said Olsson Associates does not participate in the construction coordination meetings and when the issue of Radcliffe Road was raised, it was decided that Olsson's would contract directly with the County for that work. He noted there is other access to the site, but utility connections in the right-of-way are contingent upon the road work being completed.

Steinman questioned the validity of rebidding the project since the original bids have been disclosed.

Heier said he is concerned with public perception.

MOTION: Heier moved and Hudkins seconded to rebid the project in accordance with the Purchasing Act and County procedures.

Campbell asked whether Olsson Associates could be asked to explain the error to the bidders and ask for a release that would allow the County to award the bid.

Eagan said there could still be a problem with firms that did not bid the project.

ON CALL: Heier, Hudkins, Steinman and Campbell voted aye. Workman voted no. Motion carried.

The Board directed that a letter be sent to Olsson Associates informing them of the Board's action and indicating that Eagan, Johnson and Mejer will meet with their firm to explain the issues in further detail.

NOTE: The Board will take formal action to reject all the bids for grading, sanitary sewer, water main and paving for the new Lancaster County Juvenile Detention Center at the Tuesday, September 26th County Board of Commissioners meeting.

7 JUVENILE DETENTION FACILITY UPDATE - Chris Beardslee, Sinclair Hille & Associates Inc.

Chris Beardslee, Sinclair Hille & Associates Inc., distributed the following documents (Exhibit E):

- O Progress Summary as of September 21, 2000*
- O Architects Field Observation Report, dated September 13, 2000*
- O Allowance Modification Number 004*
- O Minutes of Monthly Construction Coordination Meeting held September 6, 2000*

In response to a question from Heier, Beardslee said the use of obscure window glass in the Staff Secure facility is still being considered and does not appear to be cost prohibitive.

ADDITIONS TO THE AGENDA

C. County Board Calendar

The County Board reviewed its meeting calendar for November and December, 2000.

8 GARNER INDUSTRIES - Don Thomas, County Engineer; Dave Johnson, Deputy County Attorney

Don Thomas, County Engineer, said the County will acquire the right-of-way from Novartis Consumer Health, Inc. and contribute 50 percent of the road grading work and 25 percent of the paving to the Garner Industries plant entrance (a total of \$15,000 for the grading and paving).

Campbell added that the City has agreed to split the cost of the water line work on 98th Street with the County (cost estimate of \$80,000). She added that this is a unique situation that was not of Garner Industries making.

Dave Johnson, Deputy County Attorney, said the City Attorney's office has indicated that a development plan will be amended to include reconstruction of the water main. The County will contract separately with Garner Industries for the County's contribution towards costs.

Thomas suggested that the County's limit its contribution towards the water main to one half of the costs, not to exceed \$40,000.

Campbell said she had recommended that Garner Industries seek additional assistance from Economic Development, although the Mayor's press release on the Garner Industries project may jeopardize this avenue of funding. She said she also spoke with Paul McCue, Chamber of Commerce President, and Sherry Hanneman, Lincoln Partnership for Economic Development, and had suggested that a workshop or technical assistance team be developed to assist businesses that are developing or expanding.

9 COUNTY LOGO - Cori Beattie, County Board Administrative Secretary

Cori Beattie, County Board Administrative Secretary, presented suggestions for a County logo submitted by graphic design students from Southeast Community College (Exhibit F).

The Board asked Beattie to seek design assistance from ScreenCo.

10 ACTION ITEMS

A. Final Plat and Subdivision Agreement for Countryside Estates

MOTION: Steinman moved and Workman seconded to sign the final plat and subdivision agreement for Countryside Estates. Steinman, Workman, Heier, Hudkins and Campbell voted aye. Motion carried.

B. Resolution No. R00-117 Creating a Joint Public Agency Involving Lancaster County and Lancaster County Agricultural Society

MOTION: Workman moved and Steinman seconded approval to sign a resolution for creation of the Joint Public Agency, as provided for by the Joint Public Agency Act, with the participation of the County of Lancaster and the Lancaster County Agricultural Society. Steinman, Workman, Heier, Hudkins and Campbell voted aye. Motion carried.

11 ADMINISTRATIVE OFFICER REPORT

A. Families First & Foremost (F³) Update

Campbell said she and Steinman met with Sheryl Schrepf, Families First & Foremost (F³) Grant Director, and Schrepf indicated that she would like to continue with the F³ grant project and is willing to commit to a nearly full-time effort. She said Schrepf also stated that her work with St. Monica's Substance Abuse Treatment for Women will be concluded by April, 2001. Schrepf has asked to maintain her independent contractor status and seeks a salary of \$70,000, with no benefits. Campbell suggested that Schrepf's contract be extended to April 1, 2001, to allow time for the Conveners Group to determine the future of the grant.

Hudkins recommended that the contract stipulate that Schrepf will assume responsibility for serving as the Executive Director and will perform those duties.

The Board concurred.

B. Monthly Meeting with Mayor Wesely

Items suggested for discussion were:

- Garner Industries project
- Whether the City would be willing to explore consolidation of the offices of the City Clerk and County Clerk

12 DISCUSSION OF BOARD MEMBER MEETINGS

A. Parking Committee - Campbell

Campbell said parking requests and parking options were reviewed.

B. Parks & Recreation Advisory Committee - Workman

Workman said a Park Futures retreat will be held September 27th. Maintenance of medians will be discussed.

C. Needs Assessment Executive Committee - Campbell

Campbell said a decision needs to be made on who will implement the Comprehensive-Based Human Services Needs Assessment and Comprehensive Plan. She said an interview was conducted with the Public Policy Division of the University of Nebraska at Lincoln (UNL) as part of this effort.

D. Families First & Foremost (F³) Conveners Meetings - Campbell, Steinman

Steinman reported that discussion took place on the issue with Region V, staffing and the itinerary for the conference in Atlanta, Georgia. She also stated that the Parents Group needs to be identified to a better extent.

E. Board of Health - Hudkins

Hudkins said a decision was made to stagger the terms of the Advisory Committee members.

13 ADJOURNMENT

By direction of the Chair, the meeting was adjourned.

Bruce Medcalf
Lancaster County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
MEETING WITH COUNTY VILLAGES
COUNTY-CITY BUILDING, ROOM 113
THURSDAY, SEPTEMBER 21, 2000
12 P.M.**

Commissioners Present: Kathy Campbell, Chair
Larry Hudkins, Vice Chair
Linda Steinman
Bernie Heier
Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer
Kathleen Sellman, Planning Director
Terry Wagner, Lancaster County Sheriff
Dave Kroeker, Budget & Fiscal Officer
Judy Adams, Lincoln Action Program Rural
Coordinator
Bruce Medcalf, County Clerk
Gwen Thorpe, Deputy County Clerk
Ann Taylor, County Clerk's Office

Village Clerks and Board Representatives: Buffy Cornish, Bennet Village Board
Patricia Rule, Clerk of Village of Bennet
June Winkler, Clerk of Village of Hallam
Nancy Votta, Clerk of City of Hickman
David Hobelman, Firth Village Board
Bruce Forbes, Waverly City Council
Gene Melichar, Emerald/S.I.D. #6
Rich Wiese, Nebraska Great Plains Resource
Conservation & Development Program
Scott Willet, Coordinator of the Nebraska Great Plains
Resource Conservation & Development Program

AGENDA ITEM

1 COMPREHENSIVE PLAN

Kathleen Sellman, Planning Director, displayed a chart detailing *Schedule for City-County Comprehensive Plan and Related Planning Studies, 2000-2001*, noting major work tasks include the City-County Comprehensive Plan, Stevens Creek Basin Initiative, Infrastructure Financing Study, Natural Resources Geographic Information System and the Community Attitudinal Survey. She said part of the effort will include looking at how existing and proposed land uses can co-exist. Sellman noted that greater involvement on the part of the villages and cities is desired and said the Planning Department will be contacting each of them in the near future.

Sellman said the number of individuals that wish to move from urban areas to the country and small towns is increasing and said these individuals have different expectations of life in the country.

In response to a question from Hudkins, Sellman said the "right-to-farm" is an evolving issue.

David Hobelman, Firth Village Board, said Gage County has a one-third mile buffer and a developer has asked whether Lancaster County observes this.

Sellman said not at this time, although it is used effectively in other jurisdictions.

In response to a question from Bruce Forbes, Waverly City Council, Sellman said the beltway environmental impact studies should be completed mid to late winter.

Sellman also distributed a list of members of the Comprehensive Plan Committee (Exhibit A).

2 SEXUALLY ORIENTED BUSINESSES

Kathleen Sellman, Planning Director, reviewed County Change of Zone No. 202, a text amendment to the Lancaster County Zoning Resolution to define and allow "sexually oriented live entertainment establishments" as a permitted special use in the Industrial (I) District (Exhibit B). She said two separation requirements are included - a 1500 foot separation between two sexually oriented live entertainment establishments and a 1000 foot separation from specified uses that have been identified as being particularly sensitive to a presence of this type. Sellman noted that the City of Lincoln is considering a similar amendment to the Lincoln Municipal Charter.

Terry Wagner, Lancaster County Sheriff, noted concern that these type of businesses may try to move out into the villages and cities and said consideration should be given to companion ordinances.

Campbell added that the Planning Department is willing to provide assistance in doing so.

In response to a question from Bruce Forbes, Waverly City Council, Sellman said the proposed amendment is consistent with recent case law at the Supreme Court level.

3 VILLAGE CONCERNS

Bruce Forbes, Waverly City Council, expressed concern regarding a proposal to require plumbing and mechanical licenses in the County, stating this could create a hardship for existing businesses.

Campbell said the proposal is still under review and consideration is being given to counting practical experience.

Eagan said public safety and fairness are concerns. He said the Building & Safety Department favors licensing but believes a compliance period is reasonable.

Workman noted that the County was unsuccessful last year in efforts to gain legislation that would require building permits for farmstead residences.

Buffy Cornish, Bennet Village Board, asked that a list of the trades that will be affected by the licensing requirements be made available.

4 OTHER BUSINESS

Rich Wiese, Nebraska Great Plains Resource Conservation & Development (RC&D) Program, explained the RC&D program and Scott Willet, Coordinator of the Nebraska Great Plains RC&D, distributed related materials (Exhibit C).

Kerry Eagan, Chief Administrative Officer, gave an update on the rural addressing project, noting field work is proceeding. He said the purpose of the project is to provide accurate addresses to emergency responders in a digitized manner. Eagan noted that interlocal agreements with the County's villages and cities will be required if it becomes necessary to assign and change addresses within the zoning jurisdictions of the villages and cities.

Commissioner Workman asked those in attendance what they think of the County's "20 acre rule" which sets the minimum lot size at 20 acres in the Agriculture (AG) District.

Nancy Votta, Clerk of City of Hickman, said Hickman has a 40 acre requirement and asked why the County had decided on 20 acres.

Scott Willet, Nebraska Great Plains RC&D, said water and septic systems may be determining factors.

David Hobelman, Firth Village Board, asked whether the County plans to start limiting the number of acreages, noting farmland is being depleted.

Campbell said the County Board has moved towards clustered development which does not have as great an impact toward density.

Buffy Cornish, Bennet Village Board, said the size of parcel is no longer a limiting factor and said the focus should be more on what the land will accommodate.

Nancy Votta, Clerk of City of Hickman, added that individuals moving from urban areas to acreages expect the same amenities and level of service.

Steinman noted that the County Extension Office has pamphlets available that explain what to expect when moving to rural areas.

Campbell said the Board will see that the brochures are sent out to each of the County's villages and cities. She said it may also be beneficial to have County Extension give a presentation at the next meeting.

Campbell also reported that the County Attorney issued an opinion that county funds may not be expended for paving roads within incorporated city limits. She said the County was able to fulfill a project commitment in Waverly but can not make further commitments without legislative change.

There being no further business, the meeting was adjourned.

Bruce Medcalf
Lancaster County Clerk